

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

NATIONAL INSTITUTE OF
FAMILY AND LIFE ADVOCATES,
et al.,

Plaintiffs,

v.

CHARITY CLARK, in her official
capacity as Attorney General of the
State of Vermont, et al.,

Defendants.

STIPULATED MOTION FOR
EXTENSION OF TIME TO FILE
RESPONSE IN OPPOSITION TO
DEFENDANTS' AMENDED
MOTION TO DISMISS

Case No. 2:23-cv-00229-wks

Plaintiffs respectfully move this Court for a 21-day extension of time to file their response to Defendants' Amended Motion to Dismiss Amended Complaint for Failure to State a Claim, ECF No. 49, to and including February 7, 2024. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs filed their initial complaint, ECF No. 1, in this case on July 25, 2023. Defendants moved to dismiss that complaint, ECF NO. 39, on September 25, 2023. Plaintiffs timely filed their Response to Defendants' Motion to Dismiss, ECF No. 43, and a motion to amend their complaint, ECF No. 44, on October 25, 2023. This Court granted that motion. ECF No. 45 (Nov. 1, 2023).

2. Defendants filed an Amended Motion to Dismiss on December 18, 2023. ECF No. 49. Plaintiffs' response to that motion is currently due January 17, 2024.

3. Plaintiffs' time to respond to that motion includes three federal holidays: Christmas Day, New Year's Day, and Martin Luther King Day. The offices of the Alliance Defending Freedom, which represents Plaintiffs, were closed from December 22, 2023, through January 2, 2024.

4. Counsel for Plaintiffs', Julia Payne, has the following obligations that prevent her from filing Plaintiffs' response to Defendants' Amended Motion to dismiss by the current deadline:

- a. Reply in support of post-trial brief in *National Institute of Family & Life Advocates v. Treto*, No. 3:16-cv-50310 (N.D. Ill.), due January 9, 2024;
- b. Traveling to Lansdowne, VA, and Washington, D.C., for work-related meetings and speaking events from January 13, 2024, through January 21, 2024.
- c. Conducting and overseeing expert depositions in *PPSA v. Stein*, include dates here.

5. Plaintiffs have not previously requested an extension to file their response in opposition to Defendants' Amended Motion to Dismiss.

6. Counsel for Defendants, David McLean, has indicated that Defendants consent to this motion.

For the foregoing reasons, Plaintiffs respectfully request that this Court grant a 21-day extension in which to file their Response in Opposition to Defendants' Amended Motion to Dismiss, to and including February 7, 2024.

Respectfully submitted this 9th day of January, 2024.

/s/ Michael Tierney

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CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2024, I electronically filed the foregoing on the Court's CM/ECF system, which automatically sends an electronic notification with this filing to all attorneys of record.

/s/ *Julia C. Payne*
Julia C. Payne